IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CMC MATERIALS, INC., Plaintiff, v. DUPONT DE NEMOURS, INC., et al., Defendants.	)	C.A. No. 20-738-JLH

[PROPOSED] CLAIM CONSTRUCTION ORDER

IT IS HEREBY ORDERED that the following terms in U.S. Patent No. 9,499,721 are construed as follows:

Claim(s)	Claim Term/Phrase	Claim Construction
1, 26	"A chemical mechanical polishing composition comprising"	Not limiting
1, 26	"about"	"approximately"
1, 26	"colloidal silica abrasive particles"	"colloidal silica abrasive particles that are prepared via a wet process rather than a pyrogenic or flame hydrolysis process which produces structurally different particles"
1, 26	"aminosilane"	"A compound having amine and silane functional groups"
1	"phosphonium silane"	"A compound having phosphonium and silane functional groups"
1	"wherein the chemical species is not an aminosilane or a phosphonium silane"	"The recited chemical species is neither an aminosilane nor a phosphonium silane." Note: The colloidal silica abrasive particles may further include additional unrecited chemical species (including aminosilane or phosphonium silane) so long as the recited chemical species is neither an aminosilane nor a phosphonium silane.

1, 26	"a permanent positive charge of at least [15 or 13] mv"	"positive charge of at least [15 or 13] mV that is not readily reversible, for example, via flushing, dilution, filtration, and the like" Note: The recited permanent positive charge values are measured according to the three step procedure described at column 11, lines 14-30 of the '721 Patent specification: "A permanent positive charge of a specified value [at least N mV] means that the zeta potential of the colloidal silica particles remains above that specified value after the following three step filtration test: A volume of the polishing composition (e.g., 200 ml) is filtered through a Millipore Ultracell regenerated cellulose ultrafiltration disk (e.g., having a MW cutoff of 100,000 Daltons and a pore size of 6.3 nm). The remaining dispersion (the approximately 65 ml of dispersion that is retained by the ultrafiltration disk) is collected and replenished with pH adjusted deionized water. The de-ionized water is pH adjusted to the original pH of the polishing composition using a suitable inorganic acid such as nitric acid. This procedure is repeated for a total of three filtration cycles. The zeta potential of the triply filtered and replenished polishing composition is then measured and compared with the zeta potential of the original polishing composition."
1, 26	"wherein the colloidal silica abrasive particles have a permanent positive charge of at least [15 or 13] mV"	"the colloidal silica abrasive particles in the chemical mechanical polishing composition have a permanent positive charge of at least [15 or 13] mV."

SO ORDERED this _____ day of _____, 2024

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The Honorable Jennifer L. Hall
United States District Judge